

1 transfer to one of your AEs from whatever AE they
2 were then at before the adjustment?

3 A. Yes, that is correct.

4 Q. And the adjustment request, it could
5 submit it to the managing director, correct?

6 A. Yes.

7 Q. But it also goes to another place?

8 A. It goes to the sales compensation team.

9 Q. And that's in Memphis, Tennessee, right?

10 A. That is correct.

11 Q. And the sales compensation team plays a
12 role in determining where customers should align,
13 correct?

14 A. They use verification steps to look at ZIP
15 codes, look at headquarters. They also verify with
16 the customer's website and other details to confirm
17 those facts.

18 Q. Yeah.

19 They're the group that, you know, will be
20 the arbitrator if there's a dispute between sales
21 professionals and who should get a customer,
22 correct?

23 A. Correct.

24 Q. Okay. All right. So going back to 4G
25 Dental in paragraph 18, you submitted an adjustment

1 request then. Is that fair?

2 A. I couldn't. That's why I went to
3 Michelle. She did have the authority to do so.
4 Just like with BJ Services, she could go to Vicky
5 Peterson. And when she did the negative impact to
6 me on an adjustment, she could have utilized the
7 same process. But, instead, I had to go through the
8 segmentation and right align the customer but after
9 my white peer was already given this \$80,313.54
10 positively to his attainment, which then added to
11 his compensation and commission.

12 Q. Okay. So the other adjustments you talked
13 about with Jerry -- I forgot his last name -- and
14 Mr. Powell --

15 A. Jerry Page.

16 Q. Jerry Page. Thank you.

17 -- with Mr. Page and Mr. Powell, did you
18 yourself submit the adjustment request or is that
19 something the director also had to do?

20 A. I gave him the account details. It goes
21 to his admin to be added to a spreadsheet, then
22 they're submitted, and then it has to go through an
23 approval process through the sales compensation
24 team.

25 Q. Okay. And what process did you have to

1 follow for the 4G account?

2 A. I had to do what's called segmentation.

3 Q. Okay.

4 A. It's when we right align accounts based on
5 the proper ZIP code and headquarters.

6 Q. Okay. And then does that information go
7 to the sales team in Memphis?

8 A. It does not because there's not an
9 adjustment required for segmentation. That is just
10 the alignment piece to get it aligned to the correct
11 account executive which aligns it correctly to me.

12 Q. All right. What facts did you -- what
13 actions did you observe Ms. Lamb taking that you
14 allege was part of her, quote, clear and retaliatory
15 plan to bolster her false accusations regarding the
16 4G account?

17 A. Because I presented to her the email that
18 she responded to the customer after he thanked her
19 for her visit, and she then replied, and then I also
20 attached from iSell in the Salesforce reporting the
21 revenue and utilize what's called ZipWeb to type in
22 the customer's ZIP code which confirmed the correct
23 alignment to myself and Abraham Velasco that that
24 customer was improperly aligned in hopes that she
25 would do the right thing and properly align it to me

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1 instead of continuing to allow my white peer Brian
2 Conrey receive the positive revenue credit and
3 commission for that account, which also helped her
4 with her false accusation of poor performance.

5 Q. Okay. Thank you.

6 Paragraph 19?

7 A. Yes.

8 Q. What facts or actions by Ms. Lamb can you
9 point me to to support your contention that Ms. Lamb
10 wanted to terminate your employment at the time she
11 put you on the performance improvement plan in
12 September of 2019?

13 A. The negative impact of BJ Services, which
14 was a 1-plus million dollar adjustment, potentially
15 every quarter on that particular customer; in
16 addition to not properly aligning the 4G Dental
17 account, which shows and demonstrates \$80,313.54 of
18 positive revenue that should have been properly
19 aligned to -- to me and my district; in addition to
20 her aggressive response to the details in her
21 Coach2Grow 2.0; and all of the other details that I
22 shared.

23 So all of those things line up with the
24 response that I sent for retaliation and
25 discrimination from Michelle Lamb.

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1 Q. And you -- I think you've answered my next
2 question, but so I have a good record: You believe
3 the September 13, 2019, performance improvement plan
4 is evidence of retaliation, correct?

5 A. Yes.

6 Q. And you also believe that you would not
7 have received the September 13, 2019, performance
8 improvement plan if you were not black?

9 A. That is correct. In addition to her
10 negatively aligning BJ Services and not properly
11 aligning 4G Dental.

12 Q. You claim in paragraph 19 that the PIP --
13 can I use that phrase, PIP? Have you heard that
14 term?

15 A. Absolutely. It's personal improvement
16 plan or it's --

17 Q. Or performance.

18 A. -- actually performance improvement plan.

19 Q. All right.

20 A. It's mistyped.

21 Q. You claim that the September 2019 PIP was
22 sporadically drafted, right?

23 A. Yes. It is different from the performance
24 improvement plan that I drafted.

25 Q. Okay. What do you mean it's sporadically

1 drafted?

2 A. Because she used different details. Just
3 as the example of my white peer Richard Holley being
4 given zero of six quarters and, in my letter of
5 counseling, I was given zero of four quarters, it's
6 different and inconsistent with my white peer.

7 So the details outlined in the performance
8 improvement plan actually allowed her to inflate her
9 expectation of improvement and falsely accuse me of
10 not doing well when, compared to my white peers, I
11 was doing better if not the same as them.

12 Q. Wasn't this September 2019 PIP your second
13 PIP?

14 A. That is correct.

15 Q. Okay. And wasn't the second PIP based on
16 some of the issues that were being addressed in your
17 first PIP?

18 A. But they also aligned to her falsely
19 inflating the numbers of BJ Services and 4G Dental,
20 which should have positively impacted me. So she
21 continued to add on those details and retaliate
22 against me due to my complaint to HR to her -- on
23 her, excuse me, for the letter of warning now with
24 the second PIP.

25 MR. BABCOCK: I'm just going to move

1 to strike as nonresponsive.

2 Q. Ma'am, my question was: Wasn't the second
3 PIP in September 2019 based on some of the contents
4 of your first PIP?

5 A. Some of the contents, yes.

6 Q. Okay. And you claim in here -- it's on
7 the top of the next page -- you were only provided
8 one quarter to show improvement, correct?

9 A. Yes.

10 Q. And a quarter at FedEx is 90 days?

11 A. Yes.

12 Q. Okay. And so who are the similarly
13 situated or worse performing white employees that
14 you're referencing in this paragraph?

15 A. Brian Hickman, Jaime Golden-McElroy,
16 Richard Holley, and Brian Golden.

17 Q. And that's the same discussion we had
18 before the first break where you talked about their
19 attainment goals?

20 A. And their calls on opportunities --

21 Q. Right.

22 A. -- and their joint calls, all of those
23 details compiled, or details she used to falsely
24 accuse me of poor performance and not consistently
25 use those same factors to evaluate my white peers.

1 Q. But we discussed that already this
2 morning, right --

3 A. Yes, that is correct.

4 Q. -- before the break?

5 Okay. That's what I wanted to make sure,
6 Ms. Harris. I'm just -- I'm not here to argue with
7 you; I'm just -- I'm just here to make sure I
8 understand your --

9 A. Sure.

10 Q. -- story, for lack of a better term.

11 A. Sure.

12 Q. Or the contentions in your lawsuit. All
13 right?

14 All right. Paragraph 20, who -- you state
15 you're one of the top performers throughout the
16 country in paragraph 20.

17 A. That is correct. I won President's Club,
18 which ranks me in the top 6 percent of sales
19 managers and professionals in the company.

20 Q. All right. And what year did you go to
21 President's Club?

22 A. We went in FY17.

23 Q. Okay. So the PIP was happening in 2019,
24 right?

25 A. Uh-huh. It started in FY18 and rolled

1 into '19, yes.

2 Q. Well, isn't the second PIP September
3 of 2019?

4 A. Right. But --

5 Q. So that would be FY20, right?

6 A. That is correct.

7 Q. Okay. I thought that's what you meant. I
8 think you just misspoke. So thank you for that
9 clarification.

10 MR. SANFORD: Objection; form.

11 Q. How do you know how other sales managers
12 were performing across the country or is it just
13 based on because you went to President's Club and
14 you know the metric that's used for President's
15 Club?

16 A. There is a dashboard where we can see. It
17 aligns us based on our revenue attainment that we
18 can log into and evaluate those details.

19 Q. Oh, okay. So you have a dashboard or a
20 program you can access that will stack rank you with
21 other sales managers in the country?

22 A. That is correct.

23 Q. Okay. And who is Kristi Dawson?

24 A. She was a field sales district sales
25 manager under Grant Kuhn.

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1 Q. What part of the country was she based in;
2 do you know?

3 A. Dallas.

4 Q. And what's this number 86.76 percent you
5 refer to?

6 A. That is her attainment.

7 Q. So that's a revenue attainment goal?

8 A. That is correct.

9 Q. Okay. And by most recent quarter, what --
10 do you recall what quarter you were looking at?

11 A. I don't at this time.

12 Q. Okay. Does it help you if you look at the
13 beginning of paragraph 20 that you're talking about
14 this during the time you were on a PIP? I don't
15 know if it was the first PIP or the second PIP, so
16 the June to September 2019 time frame it looks like.

17 Does that refresh your memory at all,
18 ma'am, on what quarter you might have looked at for
19 Ms. Dawson?

20 A. At this time, I don't recall.

21 Q. Can you tell me sitting here today what
22 Ms. Dawson's number was in the quarter previous to
23 the quarter you looked at?

24 A. At this time, I do not recall.

25 Q. What innovation award did Ms. Dawson

1 receive?

2 A. It was an award given from Dave Russell.

3 Q. And what was it for; do you know?

4 A. It highlighted her for being an
5 outstanding leader or a good leader but when the
6 reporting demonstrated that she was actually a low
7 performer.

8 Q. Okay. And when did Mr. Russell give
9 Ms. Dawson this award; do you know?

10 A. At this time, I don't recall.

11 Q. And was this an annual award that
12 Mr. Russell gave to a manager or was it quarterly?
13 Do you know?

14 A. I'm not sure. I had never seen that award
15 issued prior to that.

16 Q. Okay. So Ms. Dawson is the only person
17 you know that received this type of award from
18 Mr. Russell. Is that fair?

19 A. To my knowledge, yes.

20 Q. Okay. Paragraph 21.

21 A. Okay.

22 Q. It's your contention that at the time
23 Ms. Lamb was -- strike that.

24 It's your contention that you already had
25 an impressive performance; is that right?

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1 A. I had good performance, yes.

2 Q. Okay. You used the phrase "impressive
3 performance." Do you see that?

4 A. I do.

5 Q. Do you have a different -- does
6 "impressive" mean something different to you than
7 the phrase "good"?

8 A. No, they align together.

9 Q. Okay. If your performance is already
10 impressive or good, why would you need additional
11 coaching?

12 A. I'm requesting that because based upon the
13 false allegations that Michelle Lamb used to give me
14 the letter of counseling and the letter of warning,
15 her perception was I was a poor performer. So I
16 asked that in the coaching that was required due to
17 this performance improvement plan for her to be able
18 to demonstrate the strategies on how I should
19 improve. Instead of bullying me with reports and
20 emails that were inaccurate in the one-on-one
21 conversations, actually outline ways and strategies
22 of how I could improve, use her experience and
23 expertise and knowledge to specifically identify
24 characteristics and customers and -- and actually
25 demonstrate that goal with a rep or go to a customer

1 and actually perform a meeting where she's able to
2 convince or encourage a customer to grow or
3 transition their revenue over to FedEx so that these
4 falsely inflated numbers that she demonstrated in
5 this letter of counseling and letter of warning
6 could demonstrate her impact on improvement.

7 Q. Your contention is that Ms. Lamb never
8 provided you guidance on how to improve your
9 performance or your team's performance, correct?

10 A. No strategies, no structure, that is
11 correct.

12 Q. Okay. Who are the white co-workers you're
13 referring to in this paragraph, paragraph 21?

14 Does that involve Mr. Holley? I see a
15 reference to a PIP in six quarters.

16 A. Yes, Mr. Holley is included in this
17 reference.

18 Q. Okay. I just...

19 A. I'm -- I'm still reading the paragraph.
20 One moment, please.

21 Q. Okay. Tell me when you're done.

22 A. (Reviewed document.) Okay. Yes,
23 Mr. Holley was included in that. Brian Conrey
24 was -- excuse me, Brian Hickman, Jaime
25 Golden-McElroy, and Brian Golden was included in the

1 peers that I was referencing for this particular
2 details of the PIP.

3 Q. Okay. But only -- is it your
4 understanding that only Mr. Holley was placed on a
5 PIP during that time?

6 A. That is correct.

7 Q. Okay.

8 A. But I'm using the examples that she used
9 to write the letter of counseling and the details
10 highlighted in the PIP. My white peers were not --
11 they didn't -- she didn't use the same evaluation on
12 them that she used on myself.

13 Q. Okay. In paragraph 21, you reference "my
14 first written warning my subsequent PIP." I just
15 want to make sure I know what you're referring to.

16 You're referring to your June letter of
17 counseling -- June of 2019 letter of counseling?

18 A. Yes.

19 Q. And then the first PIP that you were on?

20 A. That was the first. I had never had any
21 documented discussions or any discipline in my file
22 prior to that.

23 Q. It says in here that -- I'm sorry. We're
24 on paragraph 22?

25 A. You were on 21 unless you moved --

1 Q. I know. Let's move to 22.

2 A. Okay.

3 Q. It says in here that the recent PIP --
4 that would be the September 2019 PIP, correct?

5 A. Yes.

6 Q. And you say, quote, which falsely accuses
7 me of managing the district with the lowest pricing
8 activity in the region, closed quote.

9 Did I read that phrase right?

10 A. That is correct.

11 Q. And you're saying that that's blatantly
12 false, right?

13 A. That is correct.

14 Q. Okay. Were -- was there false information
15 in your first PIP as well, ma'am?

16 A. Yes.

17 Q. And do you recall what that false
18 information was?

19 A. It was the negative adjustment from
20 BJ Services that was falsely aligned to me and
21 should have been aligned to my white peer Brian
22 Conrey and the adjustment of 4G Dental, which should
23 have been positively aligned to me and was not.

24 Q. Okay. Was there anything correct or
25 justifiable in your mind, ma'am, in your first PIP?

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1 A. No.

2 Q. Okay. Was there anything justified or
3 correct or true in your second PIP?

4 A. No.

5 Q. Okay. In paragraph 22, you highlight that
6 you were number 4 in the region for daily
7 activations.

8 Do you see that?

9 A. That is correct.

10 Q. Do you recall, sitting here today, what
11 you ranked in all the other metrics that FedEx
12 tracks?

13 A. I recall that I was number one in joint
14 call activity, but I don't recall which place I was
15 in calls on opportunities, but I know I was in the
16 top half, so in the top four of managers on her
17 team.

18 Q. Besides daily -- average daily
19 activations, joint call activities, call on
20 opportunities, those three categories, what other
21 metrics did FedEx measure?

22 A. Close business tracking.

23 Q. Any other metrics?

24 A. Pricing.

25 Q. Any other metrics?

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1 A. Can you repeat what you listed, please?

2 Q. Yeah, absolutely. Yeah, it's no -- it's
3 no secret. I have average daily activations --
4 there's five that I have. Okay.

5 A. Okay.

6 Q. Average daily activations, joint call
7 activities, calls on opportunities, closed business
8 tracking, and pricing.

9 A. Yeah, closed business tracking and
10 activations are the same.

11 Q. Okay.

12 A. And then revenue attainment is the one
13 you're missing.

14 Q. All right. So there's five because closed
15 business transaction and activations are kind of the
16 same?

17 A. Yes, they are the same.

18 Q. Okay. In paragraph 23, you reference you
19 consistently raised complaints to HR, right?

20 A. Yes.

21 Q. Have you provided testimony so far in this
22 deposition about the complaints to HR?

23 A. Yes. We discussed the interview that I
24 had with Michael Clark.

25 Q. Okay. I guess my -- that was a bad

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1 question again. I apologize, Ms. Harris.

2 I just want to make sure that -- you also
3 talked about you had emails with Mac Chonoles --

4 A. Yes.

5 Q. -- you had emails and conversations with
6 Michael Clark and --

7 A. To Dave Russell.

8 Q. Dave Russell is not in HR. But, yes, you
9 testified about that. And you also testified about
10 Linda Taylor.

11 What I'm just trying to make sure I
12 understand is have you -- when you reference your
13 constant complaints to HR personnel, is there any
14 other activities you engaged in that you believe --
15 or you meant when you wrote your consistent
16 complaints to HR?

17 A. Kristie Castilow is missing from your
18 list. She took over for Jim Wallace after he
19 retired.

20 Q. Okay. And you raised concerns with her?

21 A. Yes.

22 Q. By email? In person? Phone?

23 A. All of the above.

24 Q. Okay. And what do you recall raising with
25 Ms. Castilow?

1 A. I recapped the details that I shared
2 originally with Michael Clark and Linda Taylor and
3 with Mac. She actually received a forward of those
4 details, which included the improper alignment of
5 BJ Services which negatively impacted me, the
6 positive alignment of 4G Dental to my white peer
7 Brian Conrey, the inconsistencies in Michelle Lamb's
8 evaluation of my performance in giving me four
9 quarters in the letter of counseling and giving my
10 white peers six quarters, the inconsistency in her
11 humiliation of coaching and details of the
12 appointments on her calendar and her requests for me
13 to step down.

14 So all of those details were shared with
15 Kristie Castilow, with Linda Taylor, with Michael
16 Clark, and with all of the professionals in the HR
17 organization that I have spoke about prior to this
18 request.

19 Q. Do you recall, ma'am, any other complaints
20 that you made to the HR personnel that you didn't
21 testify to about yet today?

22 A. I did an internal EEO through the portal,
23 which then, in return, went to Michael Clark. And I
24 also did an external, which also went to an
25 investigation team, which I was not knowledgeable of

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1 who it went to within the internal FedEx
2 organization.

3 Q. Okay. So Michael Clark did the
4 investigations for HR with possibly the exception of
5 your external charge with the EEOC, correct?

6 A. To my knowledge, yes.

7 Q. Okay. And so when you reference in
8 paragraph 23 that HR was sweeping your concerns
9 under the rug, your allegation is Michael Clark was
10 the one doing the -- sweeping your allegations under
11 the rug, correct?

12 A. Michael Clark, Kristie Castilow, Jim
13 Wallace, Linda Taylor, Mac Chonoles, and anybody
14 else that was involved that I did not directly
15 communicate with, all of those people are who I'm
16 referring to as sweeping my concerns under the rug.

17 Q. Okay. You also talk about Ms. Lamb
18 showing blatant favoritism for white employees.

19 Do you see that in paragraph 23?

20 A. Yes.

21 Q. Have you already told me the examples of
22 what Ms. Lamb was doing that you believe showed her
23 favoritism to white employees?

24 A. Yes. They include the negative --

25 Q. I mean, you're welcome to tell me again --

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1 A. Okay.

2 Q. -- but if you have -- if you have already
3 told me --

4 A. Okay.

5 Q. -- we have -- we have a transcript.

6 A. Sure. Okay.

7 Q. Do you want to tell me again? You're --
8 you're welcome to. I'm not trying to cut you off.

9 A. That's fine.

10 MR. SANFORD: Just have to make sure
11 that -- yeah. As long as you clarify that it's
12 already been said.

13 Q. Yeah. I mean, you have already -- you
14 have already testified to the examples of Ms. Lamb
15 showing what you believe to be favoritism to your
16 white peers, correct --

17 A. Yes.

18 Q. -- today?

19 MR. SANFORD: And I'll just tell you
20 the concern always is -- I'm sure it's not -- you
21 would not do this, but we have -- generally attorneys
22 will ask the same question over and over and then
23 just assume that we have -- you know, it's all said,
24 and then only one thing is given. And then what
25 shows up in the summary judgment motion is just that,

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1 and so we're having to explain everything when it's
2 just easier on the record if the record is clear.

3 MR. BABCOCK: Yeah, I'm not --

4 MR. SANFORD: I don't think you are
5 going to do that, but that trick is done by 9 out of
6 10 attorneys.

7 MR. BABCOCK: I'm trying -- I'm trying
8 to make sure the record is clear.

9 MR. SANFORD: Yeah, and I appreciate
10 that.

11 MR. BABCOCK: I'm trying not to cut
12 her off. You know, I just want to know what we're
13 fighting about for lack of a better term --

14 MR. SANFORD: Right. Right.

15 MR. BABCOCK: -- all right,
16 Mr. Sanford.

17 MR. SANFORD: Right.

18 MR. BABCOCK: That's all.

19 MR. SANFORD: And we just want to make
20 sure that there's enough -- that the record is clear
21 when it comes to summary judgment, right. And I
22 think -- it sounds the way you're conducting the
23 deposition that you're going to do that and I
24 appreciate that. But that's -- as long as it's all
25 clear.

1 MR. BABCOCK: Yeah, and --

2 Q. And, Ms. Harris, certainly I don't
3 represent you, right. I'm on the other side, right.
4 But part of the reason why I have been cutting you
5 off is what -- what your counsel doesn't want to do
6 if you start listing again, he doesn't want you to
7 leave something off.

8 And so by me asking you have you already
9 told me the examples you have, I can go back in the
10 transcript that she's making and find it. But if
11 you resuscitate it -- you know, for me, I have to be
12 able to go find it in the record, and I don't
13 unintentionally want to grab your testimony from the
14 wrong part of the record because then he and I end
15 up having to fight about it. And so that's why I
16 have been interrupting you. All right?

17 MR. SANFORD: And I appreciate that,
18 the caveat "other than what we have already talked
19 about."

20 MR. BABCOCK: Yeah.

21 MR. SANFORD: That makes it much more
22 clear and I appreciate that. Thank you.

23 Q. And the other reason I'm cutting you off,
24 Mr. Harris, is, for me, I don't live here. This is
25 all I'm doing today, but I have a bunch I have to

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1 cover with you. And the faster I can get through
2 it, the faster you can go about doing what you want
3 to do today.

4 All right. I'm almost done with this
5 exhibit.

6 Paragraph 25. I read it, Ms. Harris. I
7 guess my question is: Are any of pay issues part of
8 your lawsuit?

9 A. Yes.

10 Q. Okay. What -- what's part of your
11 lawsuit?

12 A. All of it.

13 Q. Okay. All right. Fair enough.

14 All right. So after you were terminated,
15 this references a communication you got from FedEx
16 after you were terminated, correct?

17 A. Yes.

18 Q. All right. And that communication did not
19 come from Ms. Lamb, right?

20 A. Correct.

21 Q. It came from payroll or someone in
22 Memphis, Tennessee?

23 A. Yes.

24 Q. Okay. And they apparently told you you
25 owed FedEx money, right?

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1 A. That is correct.

2 Q. Did you ever have to pay FedEx any money?

3 A. No.

4 Q. Okay. Did you ever send FedEx any money?

5 A. No.

6 Q. And your contention is -- well, strike
7 that.

8 I believe you testified earlier today your
9 contention is you should have been reimbursed for
10 all of your incidentals like hotel, airfare, rental
11 car, meals that you incurred while you were at the
12 Pathway event in Memphis over those two days. Is
13 that fair?

14 A. That is correct.

15 Q. And so that's the part -- you haven't been
16 paid that, right?

17 A. That is correct.

18 Q. Do you know the dollar amount of what that
19 total is?

20 A. Not at this time.

21 Q. All right. And how would you go about
22 determining what that dollar amount is?

23 A. I have the receipts in my credit card
24 statement.

25 Q. Okay. Have you turned that information

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1 over to your lawyers?

2 A. I have.

3 Q. Okay. All right. So we just spent some
4 time going through your amended charge. I didn't
5 put check marks next to a couple of questions, so if
6 I have asked you this question. I apologize,
7 Ms. Harris.

8 But you reviewed this document before it
9 was submitted to the EEOC, correct?

10 A. Yes.

11 Q. And you authorized it to be submitted to
12 the government to be part of your EEOC charge,
13 right?

14 A. Yes.

15 Q. And we just spent a lot of time going over
16 the particulars, which I think are 26 paragraphs
17 long. We didn't go through every paragraph. In
18 particular, we didn't go through paragraph 26.

19 But you were trying to be -- your intent
20 was to be accurate with what you were telling the
21 EEOC, correct?

22 A. Yes.

23 Q. And you were trying to provide this
24 information to the EEOC so the EEOC could
25 investigate your charge of discrimination, right?

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1 A. Correct.

2 Q. And it was -- you wanted to provide as
3 much detail as you could to the EEOC so they could
4 properly investigate your charge, right?

5 A. Yes.

6 Q. All right. I'm done with Exhibit 2.

7 Do you know how many sales managers worked
8 in Dave Russell's organization in December of 2019
9 right before you were terminated?

10 A. I believe 56, but I can't exactly recall
11 at this time, but I believe that number was 56.

12 Q. Do you know how many of those employees
13 were men versus women?

14 A. I do not at this time.

15 Q. Do you know how many of those employees
16 were white versus nonwhite?

17 A. I do not at this time.

18 Q. Okay.

19 A. What I do know is that I was the only
20 African-American female in his entire division.

21 Q. Okay. As a rule as a manager at FedEx,
22 did you have access to other managers' disciplinary
23 records?

24 A. No.

25 Q. Do you know if any other managers you

1 worked with filed any EXPLOREs?

2 A. EXPLORES, no.

3 Q. Do you know if any of the managers you
4 worked with ever filed an internal EEO?

5 A. Yes.

6 Q. Who?

7 A. Richard Holley.

8 Q. Okay. And did you ever see Mr. Holley's
9 internal EEO complaint?

10 A. I did not.

11 Q. Let me -- I'm going to re-ask that
12 question.

13 At the time you worked at FedEx, did you
14 ever see Mr. Holley's internal EEO complaint?

15 A. No.

16 Q. Okay. Do you know of any employees
17 that -- any managers that were peers of you, has
18 anyone filed charges of discrimination with the EEOC
19 or any other government agency?

20 A. Richard Holley filed an EEOC, yes --

21 Q. Okay.

22 A. -- but did not see the documents.

23 Q. Okay. Is it your understanding of
24 Mr. Holley's complaints that he believes Ms. Lamb
25 was discriminating against him?

1 A. Yes.

2 Q. What race is Mr. Holley?

3 A. White.

4 Q. And he's a man?

5 A. That is correct.

6 Q. Okay. When you were a manager at FedEx,
7 did you have training?

8 A. Yes.

9 Q. Okay. And did you -- you're aware that
10 FedEx has policies, right?

11 A. Yes.

12 Q. Like an EEO policy? Are you aware of
13 those policies?

14 A. Yes.

15 Q. Okay. That FedEx has a progressive
16 corrective action policy, are you aware of that
17 policy?

18 A. Yes. I used it myself.

19 Q. What about that FedEx has an acceptable
20 conduct policy, are you aware of that?

21 A. Yes.

22 Q. Are you aware that FedEx has an equal
23 employment opportunity policy?

24 A. Yes.

25 Q. Are you aware that FedEx has an

1 antiharassment policy?

2 A. Yes.

3 Q. Are you aware that FedEx has a policy that
4 describes the EXPLORE process?

5 A. Yes.

6 Q. And you went through the EXPLORE process,
7 correct?

8 A. Yes.

9 Q. Twice, right, once for the warning letter
10 and once for your termination?

11 A. Yes.

12 Q. And if I remember correctly in my review
13 of the documents, you didn't attend any meetings,
14 correct?

15 A. No.

16 Q. Because you were represented by counsel at
17 that point, right?

18 A. That is correct.

19 Q. All right. Is it your understanding that
20 your counsel communicated with FedEx while you were
21 in the EXPLORE processes?

22 A. Yes.

23 Q. Okay. Are you aware that FedEx has a code
24 of conduct?

25 A. Yes.

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1 Q. Okay. And you had periodic training on
2 the code of conduct, correct?

3 A. Yes.

4 Q. And periodic, I believe -- well, I'll ask
5 you: Was the training annual training, recurring
6 training about the code of conduct?

7 A. Code of conduct, I don't recall at this
8 time if it was annual or periodic.

9 Q. But you -- it was definitely periodic,
10 though, right?

11 A. Yes.

12 Q. All right. You're aware that FedEx has an
13 Alert Line, correct?

14 A. Yes.

15 Q. Did you ever call the Alert Line?

16 A. No.

17 Q. And you're aware through your training at
18 FedEx as a manager, an employee can complain to an
19 HR professional if they choose to, right?

20 A. Yes.

21 Q. They can complain to another member of
22 management?

23 A. Yes.

24 Q. They can complain to FedEx security?

25 A. Yes.

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1 Q. They can call the Alert Line?

2 A. Yes.

3 (Exhibit 3 marked.)

4 Q. Okay. Hand you what has been marked as
5 Exhibit --

6 MR. BABCOCK: Do you have a pen?

7 MR. SANFORD: A what? A pen? I do.

8 MR. BABCOCK: Okay.

9 Q. -- Exhibit 3, which is an exempt job
10 description for a sales manager. It's Bates FXS1780
11 through 1782.

12 Have you ever seen this -- did you ever
13 see this document, ma'am? And let me tell you, if
14 you thumb through it, it's -- the first page is --
15 let's start -- let's go page by page. All right?

16 A. Okay.

17 Q. Let me start over.

18 So I'm looking at the first page of
19 Exhibit 3, which is FSX1780. This is a manager's of
20 sales with a run date of January of 2015.

21 Do you see that?

22 A. Yes.

23 Q. Do you see under General Summary?

24 A. Yes.

25 Q. If you could read that to yourself and let

1 me know when you're done.

2 A. (Reviewed document.) Okay.

3 Q. I'm going to ask you: Do you think that
4 describes what you believe your job duties were as a
5 manager in sales?

6 A. Some of them yes.

7 Q. And that goes on to talk about the
8 essential duties, correct?

9 A. Some of the duties, yes.

10 Q. Okay. It lists three, correct, essential
11 duties?

12 A. Yes.

13 Q. All right. And do you agree with each of
14 those three -- do you agree those are essential
15 duties of a manager at sales -- as part of the sales
16 organization? Excuse me.

17 A. Some of them, yes.

18 Q. Okay. Do you think there's more essential
19 duties?

20 A. Yes.

21 Q. What additional -- if you were drafting
22 the policy, what additional essential duties or
23 responsibilities would you add?

24 A. There -- it's missing holding, you know,
25 the account executive responsible to obeying other

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1 policies that are not identified in this particular
2 document; in addition to it doesn't speak to -- it
3 talks about planning, motivating, and the
4 performance of it, but there's additional evaluation
5 that is required to identify good behavior with the
6 performance of an account manager. So some of those
7 details are missing with -- in addition to some
8 others.

9 Q. Okay. Well, do you want to identify those
10 others?

11 A. It doesn't talk about any of the specifics
12 with alignments to accounts.

13 Q. Anything else?

14 A. Doesn't say any specifics about pricing.
15 It doesn't talk about any of the attainment or any
16 of that information either.

17 Q. Okay. Anything else, Ms. Harris?

18 A. Not at this time.

19 Q. Okay. Well, this is my one opportunity to
20 ask you questions.

21 A. Okay.

22 Q. Can you think of anything else? It's okay
23 if you can't.

24 A. Not at this time.

25 Q. Hand you what has been marked as

1 Exhibit 4. It's the amended complaint in this
2 action.

3 Ms. Harris, have you ever seen this
4 document before?

5 (Exhibit 4 marked.)

6 A. Yes.

7 Q. When is the last time you reviewed it?

8 A. Maybe a couple of days ago.

9 Q. Okay. And it's long.

10 A. Yes.

11 Q. And so -- but the last time you reviewed
12 it a few days ago, did anything jump out at you to
13 indicate to you, wow, maybe that's wrong or that
14 should have been changed?

15 A. I would have to review the document to --

16 Q. Okay.

17 A. -- be able to verify that information.

18 Q. But sitting here today, nothing jumps out
19 at you that you remember when you were reviewing it?

20 A. Not on this page, but I would have to
21 review the document to be able to answer that
22 question.

23 Q. Okay. All right. So you testified you
24 received training at FedEx when you became a
25 manager, correct?

1 A. Yes.

2 Q. Did you ever go through management
3 practices in the law training?

4 A. I do not recall at this time.

5 Q. Do you know who Kristy Gunn is?

6 A. Yes.

7 Q. Did you ever have any training from Kristy
8 Gunn?

9 A. Not with her directly.

10 Q. Okay. Have you ever had training with
11 anyone else from the FedEx legal department?

12 A. Not with them directly. It was put on a
13 portal where we watched videos and then had to do an
14 acknowledgment and verification that we understood
15 the details that were instructed by FedEx legal and
16 other members of leadership from FedEx.

17 Q. Okay. How do you -- how would you
18 recognize racial discrimination, ma'am?

19 A. There's a variety of ways. Someone could
20 come out and directly make a racial statement or a
21 slur to someone. Someone could be treated unfairly
22 and not allowed the same privileges of their white
23 peers or of another race. They could also be
24 singled out to falsely make things appear that
25 they're poorly performing. They could also

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1 incorrectly negatively adjust accounts to make it
2 appear that someone is poorly performing. There's a
3 variety of things, but those are some of the key
4 examples.

5 Q. Thank you.

6 Paragraph 24 of the amended complaint.

7 It's on page 4. It alleges that you were one of the
8 most successful sales managers in the country.

9 What's that based on?

10 A. That is based on the, at that time,
11 11 years of history from success. I started with
12 FedEx in the inside sales position, was promoted to
13 sales executive within the inside sales
14 organization, then also promoted to field sales and
15 which I won President's Club and Ambassador's Club,
16 which ranks me and exceeds expectations of that
17 particular role. I was then promoted to district
18 sales manager in inside sales. And because of my
19 success there, 18 months later was promoted to
20 district sales manager in business sales field.

21 And then due to a company realignment of
22 the sales organization, then moved into the field
23 sales organization but was issued a promotion
24 because of the company's change and given a
25 14 percent raise.

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1 So the history of my performance
2 demonstrates that I was very successful in -- not
3 only as an individual contributor role but as a
4 manager because my first year as a district sales
5 manager in field sales, I was awarded President's
6 Club as well.

7 Q. Would you agree, ma'am, in your history of
8 being a sales professional at FedEx, that probably
9 the most important job or the -- or the reason FedEx
10 has a sales team is to go out and find revenue for
11 the FedEx operating companies?

12 A. That is one of them but maintaining
13 revenue is also as important.

14 Q. Okay. Because without customers shipping
15 packages, there's no -- they wouldn't be able to pay
16 the employees, right?

17 A. Right.

18 Q. Okay. What criteria do you believe
19 indicates a successful manager?

20 A. I think the consistency of territory
21 management, performance with maintaining, growing,
22 and finding new revenue, all of those components
23 aligned with each other, and it's an ongoing
24 evaluation. It just doesn't stop with those steps.
25 You have to go back to see if the existing strategy

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1 that you're utilizing is working or if there's
2 opportunity for change. So those are just some of
3 the characteristics of a good sales professional.

4 Q. All right. Thank you.

5 Looking at paragraph 42, which is on
6 page 6. Again, some of this is another way to see
7 if it jogs your memory of anything else.

8 You write, Many other persons have
9 complained of discrimination or retaliation at
10 FedEx.

11 You testified before about Richard Holley,
12 correct?

13 A. Yes.

14 Q. Is there anyone else that you're aware of
15 that complained of discrimination? We'll start
16 there.

17 A. Yes.

18 Q. Who?

19 A. Blanche Bond-Hudson.

20 Q. Who is Blanche -- and what's her last
21 name?

22 A. Bond-Hudson.

23 Q. Can you attempt to spell that?

24 A. B-o-n-d, H-u-d-s-o-n.

25 Q. And who is -- is Ms. Hudson a female?

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1 A. Yes.

2 Q. Okay. So who is Ms. Bond-Hudson?

3 A. She was an inside sales district sales
4 manager. I'm not sure of her affiliation or role or
5 if she's even still with FedEx at -- at this time.

6 Q. Okay. But you believe she complained
7 about discrimination?

8 A. Yes.

9 Q. Where was she based at that time?

10 A. Memphis, Tennessee.

11 Q. All right. And what were her allegations;
12 do you know?

13 A. I do not know the specifics.

14 Q. All right. How do you know she complained
15 about discrimination?

16 A. Because we had a conversation and
17 discussed it.

18 Q. Okay. And what do you recall about that
19 conversation, if anything?

20 A. That she felt that she was treated
21 unfairly due to her race.

22 Q. And what race is Ms. Bond-Hudson?

23 A. She's African-American.

24 Q. Okay. And did -- can you identify other
25 people who have complained about retaliation at

1 FedEx besides you, of course?

2 A. Kym Kyker.

3 Q. Can you spell Ms. Kyker's last name?

4 A. K-y-k-e-r.

5 Q. All right. Anyone else?

6 A. Not at this time.

7 Q. Did you keep a diary when you worked at
8 FedEx?

9 A. No.

10 Q. Okay. Did you keep notes of conversations
11 you would have with people at FedEx?

12 A. No.

13 Q. Okay. So when you say "not at this time,"
14 can you identify any documents you would need to
15 review in order to tell me the identity of other
16 people who may have complained about retaliation at
17 FedEx?

18 A. No. I would -- I mean, it would just come
19 back to my memory. There's no diary or no book or
20 any one note or anything of that nature that would
21 have those notes. I have never took notes of that.

22 Q. Okay. And you're not taking any
23 medication that affects your memory today, are you?

24 A. No.

25 Q. Okay. Is simply the reason you can't

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1 remember is because the events at FedEx occurred
2 several years ago?

3 A. Yes.

4 Q. All right. So it's a passage of time?

5 A. Yes.

6 Q. All right. So who is Ms. Kyker? Where
7 did she work?

8 A. She was at the time a director.

9 Q. Okay. So she was a managing director?

10 A. Yes.

11 Q. And was she in the sales organization?

12 A. Yes.

13 Q. All right. And what was she a director
14 of?

15 A. Field sales.

16 Q. All right. And where was she based?

17 A. I know that she covered part of Louisiana.

18 Q. Okay. And how -- what did Ms. Kyker
19 complain about? Do you know the specifics?

20 A. I do not.

21 Q. Okay. How do you know Ms. Kyker
22 complained about retaliation?

23 A. It came up in conversation with several
24 other people, not Ms. Kyker directly.

25 Q. Okay. And was it more than one

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1 conversation or was the conversation that you
2 happened to have with more than one person?

3 A. It was several conversations.

4 Q. Okay. Who did you have those
5 conversations with?

6 A. I discussed it with Brian Conrey.

7 Q. Anyone else you can remember discussing it
8 with?

9 A. Not at this time, no.

10 Q. Okay. But you don't recall exactly what
11 Ms. Kyker was complaining about?

12 A. No.

13 Q. All right. Paragraph 50. What
14 commissions did Ms. Lamb remove from you?

15 A. Are you on a different one because when I
16 look on page 7 is there something --

17 Q. Paragraph 50. It says at the end of
18 paragraph 50 --

19 A. Oh, sorry.

20 Q. -- quote, Ms. Lamb removed some of
21 Ms. Harris's commissions.

22 It's my fault, Ms. Harris, for not telling
23 you what it says.

24 A. It's okay. I didn't read it to the end.
25 I apologize.

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1 Q. What commission -- let me start over, all
2 right, so we'll get a question -- we'll get the
3 predicate question.

4 What commissions did Ms. Lamb remove from
5 you?

6 A. The commissions I would have received if
7 BJ Services wasn't negatively impacted to my revenue
8 goals. So sales are paid commission on the revenue
9 attainment because it was negatively impacted to me,
10 it removed the commission that I would have received
11 if BJ Services was not negatively aligned to me.

12 Q. Okay. All right. Paragraph 51 says,
13 quote, When Ms. Harris complained to HR about the
14 treatment, HR began to retaliate.

15 Did I read that right?

16 A. That is correct.

17 Q. Who in HR began to retaliate against you?

18 A. The entire HR organization which includes
19 Michael Clark, it includes Linda Taylor, it includes
20 Mac Chonoles. I'm not sure if that's exactly how to
21 pronounce his name. And Kristie Castilow was a part
22 of that process at the time. Jim Wallace was there
23 at the beginning because instead of FedEx protecting
24 me, they retaliated against me and targeted me.

25 Q. Okay. What activities did Jim Wallace

1 engage in that you believe evidences he was
2 retaliating against you?

3 A. He wasn't there when the process of me
4 getting a letter of counseling, but he did pass on
5 notes. I was not privy to see what those notes
6 were, but he had an impact because it transitioned
7 over to Kristie Castilow. And Kristie Castilow is
8 the adviser who evaluates if letter of counsulings
9 or letter of warnings can be implemented or not.

10 Q. Let me see if I can ask it this way: Is
11 it your contention because you raised complaints to
12 HR but then you started receiving additional
13 discipline like the letter of counseling, being put
14 on a PIP, the letter of warning, another PIP, and
15 then terminated, that because those events occurred,
16 that's evidence of HR letting retaliation to occur
17 to you?

18 A. It wasn't additional. At the time that I
19 got the first letter of counseling, I had no
20 documentation in my file. So that is when it
21 started. But then after that, the same situation,
22 it was less than 30 days to when Michael Clark's
23 investigation was supposed to be completed that then
24 I got the letter of warning. Same situation, his --
25 the third investigation was concluded December 31st.

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1 Then I was terminated January 7th. So --

2 Q. Okay.

3 A. -- the timeline demonstrates I complained,
4 and then I'm retaliated with documentation with
5 letter of counseling and other discipline.

6 Q. Okay. What I'm trying to understand is
7 your allegations in this specific paragraph. I
8 understand your retaliation claim in general. And
9 thank you for your testimony about that.

10 What I'm trying to understand is you say
11 HR -- people in HR were actually retaliating against
12 you. So what I'm trying to do -- and we can do them
13 one at a time.

14 I'm trying to understand what specific
15 actions or things did each member of HR do to you
16 that you believe is retaliation.

17 Does that make sense? Does my question
18 make sense?

19 MR. SANFORD: Objection; form.

20 MR. BABCOCK: What's the basis for the
21 objection?

22 MR. SANFORD: It's confusing. It's
23 asked and answered.

24 MR. BABCOCK: Okay.

25 MR. SANFORD: Yeah.

1 Q. Go ahead and answer.

2 A. HR was a part of the process. HR --

3 Q. Okay.

4 A. -- had to approve and research the details
5 that were provided in my complaint. And because
6 they didn't do a proper investigation, they allowed
7 retaliation and were a part of the retaliation
8 because without their approval, Michelle Lamb
9 wouldn't be able to move forward with the letter of
10 counseling, wouldn't be able to move forward with
11 the letter of warning.

12 So HR is just as involved as Michelle Lamb
13 because I raised my concerns to them and, because it
14 requires their approval, then she can move forward.
15 So HR is just as involved as Michelle Lamb.

16 Q. Okay. Turning to paragraph 60, which is
17 on page 8, you allege your team was one of the top
18 teams at FedEx nationally.

19 A. That is correct.

20 Q. And you highlight being awarded the
21 President's Club, which was in 2017, correct?

22 A. Yes.

23 Q. Okay.

24 A. I started in 2017, so the evaluation of my
25 performance from June 2017 continuing into -- up to

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1 May of 2018 is when I was evaluated and awarded
2 President's Club.

3 Q. So you went to President's Club in FY --
4 for FY18?

5 A. That is correct.

6 Q. Okay. And then when did you get selected
7 for Ambassador Club?

8 A. That was when I was in the field sales
9 organization in FY13.

10 Q. Okay. So that was before you went into
11 management, correct?

12 A. Yes.

13 Q. And is there a specific metric you're
14 basing your contention that you were a top team
15 nationally at FedEx?

16 A. The attainment is what is used to award
17 President's Club.

18 Q. Okay. What about in December of 2019, do
19 you believe during that time period you had one of
20 the top teams at FedEx nationally?

21 A. Yes, because if I was not given the
22 negative adjustment of BJ Service and if I was
23 positively aligned with 4G Dental, then I would at
24 least be at the top because looking at the
25 calculations, I was never a poor performer.

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1 Q. Okay. On paragraph 74, that's when
2 Ms. Lamb asked Ms. Harris to take a demotion on
3 March 8, 2019.

4 Did I read that right?

5 A. Yes.

6 Q. All right. And this was the
7 conversation -- or part of the conversation you had
8 with Ms. Lamb where you discussed the Coach2Grow 2.0
9 rollout, right?

10 A. Yes.

11 Q. Okay. And it was that conversation that
12 caused you to believe Ms. Lamb was discriminating
13 against you, correct?

14 A. Yes. She wanted to try to bully me out of
15 my position, which I had earned.

16 Q. In other words, up until that time period,
17 things were going fine at FedEx from your point of
18 view?

19 A. Yes.

20 Q. Okay.

21 A. I had just won President's Club, and which
22 she was awarded because she is given President's
23 Club based on her managers' performance.

24 Q. Okay. Paragraph 75 says you reported the
25 discrimination to FedEx human resources department

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1 on March 11, 2019.

2 Do you see that?

3 A. Yes.

4 Q. Did I read that right?

5 A. I sent the email to Dave Russell and Dan
6 Mullally.

7 Q. Okay.

8 A. And the policy says as long as you
9 escalate to management and you specifically state
10 those details, it is supposed to be given to HR.

11 Q. Have you ever heard the -- strike that.

12 When you were at FedEx, did you know about
13 the EthicsPoint process or management system?

14 A. I am not familiar.

15 (Exhibit 5 marked.)

16 Q. Okay. Hand you what has been marked as
17 Exhibit 5. That's the EthicsPoint for the 3/11/2019
18 complaint -- actually, can you hand that back to me,
19 Miss?

20 A. (Witness complies.)

21 Q. Thanks.

22 It's Bates FXE414 through 417.

23 MR. SANFORD: Last page is not.

24 MR. BABCOCK: I'm not sure how another
25 page got stapled to it, but it's no longer stapled.

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1 MR. SANFORD: Do you need it back? It
2 says "privileged."

3 MR. BABCOCK: I've already produced it
4 to you.

5 Q. If you go to page 2, it says, Provide a
6 brief description of the general nature of this
7 matter. Please limit it to one or two sentences.

8 And it says, quote, DSM Jennifer Harris
9 had alleged her director, Michelle Lamb, has shown
10 discrimination towards her, creating an
11 uncomfortable place to work. She was recommended to
12 find other opportunities that are not leadership
13 roles within FedEx.

14 Did I read that right?

15 A. Yes.

16 Q. Okay. And now your email, which we'll get
17 to, to Mr. Mullally and Mr. Russell obviously was
18 more than two sentences, right?

19 A. Yes.

20 Q. Okay. But the two sentences we just
21 looked at in Exhibit 5, do you believe that to
22 reference the meeting that you had in March with
23 Michelle Lamb where she suggested you find a
24 different role at FedEx?

25 A. Part of it, yes.

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1 Q. Okay. Were you aware before right now
2 that the complaints you raised to Mr. Russell and
3 Mr. Mullally were inputted into this software
4 program?

5 A. No.

6 Q. Okay. Paragraph 78, this is the
7 August 23, 2019, incident of -- I'll just read it,
8 quote, On August 23, 2019, Ms. Harris reported
9 discrimination and retaliation again by Ms. Lamb for
10 not assigning a customer in Ms. Harris's district to
11 Ms. Harris, closed quote.

12 Did I read that right?

13 A. Yes.

14 Q. This is the 4G --

15 A. That is correct.

16 Q. -- Dental?

17 A. Yes.

18 Q. Okay. Paragraph 92 and 93. This is on
19 page 11. This talks about your quota being set too
20 high because a customer's moved out of your district
21 to another district.

22 A. That is correct. That reference is
23 BJ Services.

24 Q. Okay. And by "quota," you mean revenue
25 attainment?

1 A. That is correct.

2 Q. Okay. So, Ms. Harris, it's your
3 contention that if you back out -- or if you rectify
4 BJ Services by not inflating your revenue attainment
5 for that number and then you got credit for 4G
6 Dental, your performance gap to revenue goal
7 wouldn't exist, right?

8 A. It would based on the data because I was
9 not given all of the quarters of BJ Services. Based
10 on the calculation, I would be higher and the same
11 with some of my white peers on the team.

12 Q. Would you still be missing your goal?

13 A. But not the same as what was identified on
14 that letter of counseling.

15 Q. Appreciate that.

16 Would you still be missing your goal?

17 A. Yes, but not the same as listed on the
18 letter of counseling.

19 Q. Okay. Paragraph 95 you write -- you
20 allege, excuse me, quote, Ms. Harris's white
21 supervisor, Ms. Lamb, belittled Ms. Harris to
22 Ms. Harris's peers, closed quote.

23 Did I read that right?

24 A. Yes.

25 Q. I don't think we have discussed this yet

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1 today, Ms. Harris.

2 What -- let's first -- who did Ms. Lamb
3 belittle you to that were your peers?

4 A. Brian Conrey; Richard Holley; Jaime
5 Golden-McElroy; Brian Golden; Brian Hickman; Rebecca
6 Callahan; and at the time, Brad Lambert.

7 MR. BABCOCK: Why don't we go ahead
8 and take another break. I think we have been going a
9 little bit more than an hour.

10 THE VIDEOGRAPHER: We're off the
11 record at 11:53.

12 (Recess 11:53 a.m. to 12:13 p.m.)

13 THE VIDEOGRAPHER: We're back on the
14 record at 12:13 p.m.

15 Q. Ms. Harris, you understand you're still
16 under oath, right?

17 A. Yes.

18 Q. All right. We were discussing paragraph
19 95 of the amended complaint, which is Exhibit 4.

20 Before we took a break, you provided me is
21 a list of individuals who you believe Ms. Lamb
22 belittled you to, right?

23 A. Right.

24 Q. So I want to cover each of those
25 individuals.

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1 What did Ms. Lamb say to Brian Conrey that
2 you believe was belittling to you?

3 A. It wasn't that she said anything; it was
4 the demonstration of her Outlook calendar that we
5 discussed before that she had those inconsistencies
6 of calendar invites to make it appear she was
7 coaching me when there's other people in our region
8 who were performing worse than I was and did not
9 have the same treatment.

10 Q. Okay. Yeah, I remember that testimony.
11 You talked about some of your peers would say, Why
12 do you have so many one-on-ones, stuff like that,
13 right?

14 A. Yes.

15 Q. Okay. Besides the issue of Ms. Lamb's
16 public calendar and the amount of one-on-ones you
17 have, did Ms. Lamb say anything to any of your peers
18 that you believe was belittling to you?

19 A. Not to them but to me. We --

20 Q. Okay. We talked about the -- the
21 March 2019 meeting involving Coach2Grow and Ms. Lamb
22 told you to -- to find a different position within
23 FedEx. So I think you have told me all about that
24 conversation.

25 Were there other conversations you had

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1 with Ms. Lamb where she belittled you?

2 A. When she sent the email which falsely
3 accused me of those FedEx One Rate and Global Gold
4 Rush, we looked at -- or talked about --
5 apologize --

6 Q. Uh-huh.

7 A. -- those details as well. It was --

8 Q. Okay.

9 A. She compared me to my white peers and that
10 I was a poor performer, and everything was a beat
11 down, but in the research in confirming the details
12 that she sent in the report, they were inaccurate.

13 So instead of acknowledging that there was
14 a mistake on her part or whoever's part in producing
15 that false information, it's that she wants to
16 continue to try to belittle me and encourage me to
17 step down from the position or leave FedEx so that
18 she could continue to discriminate and retaliate
19 against me.

20 Q. Okay. Did Ms. Lamb ever use a racial slur
21 towards you?

22 A. No.

23 Q. Are you aware of Ms. Lamb ever referring
24 to you in a racially derogatory way to another
25 person at FedEx?

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1 A. Not to my knowledge, no.

2 Q. Okay. Paragraph 97 of the complaint, it's
3 on page 11 of the amended complaint.

4 A. Yes.

5 Q. Is -- the HR adviser, is that Jim Wallace?

6 A. Yes.

7 Q. Okay. Besides the conversation involving
8 the Coach2Grow in March 1 and the additional
9 conversation you had with her about the FedEx One
10 Rate and the Global Rush, was anything said to you
11 either outside of work or while you were at work by
12 Ms. Lamb that you considered offensive or demeaning
13 slanderous?

14 A. Yes.

15 Q. Okay. What conversation -- where -- where
16 were you when Ms. Lamb said these things to you?

17 A. The first instance was an email and her
18 response to me asking her about the adjustment of
19 BJ Services. Instead of responding and
20 acknowledging that she went through a loophole to
21 negatively adjust that account to me so that it
22 would make my white peer have a higher commission,
23 she denied it.

24 And once the sales compensation
25 representative, Vicky Peterson, forwarded us the

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1 email, it confirmed that, one, she had not only
2 already started the process but actually got
3 confirmation that the process would be completed.

4 Q. Okay. So you believe Ms. Lamb was lying
5 to you?

6 A. That is correct.

7 Q. Okay. And the other -- let's start with
8 conversations, not email.

9 Do you recall any other conversations you
10 had with Ms. Lamb where she said something to you
11 that was offensive, demeaning, slanderous,
12 inappropriate?

13 A. There wasn't much conversation.

14 Q. Okay.

15 A. All of her responses that I found
16 offensive were through email.

17 Q. All right. Well, if you could list the
18 topics of those emails that you recall?

19 A. Sure.

20 Q. You talked about the adjustment for
21 BJ Services where you believe Ms. Lamb was lying to
22 you, right?

23 A. That is correct.

24 Q. And we've -- there's email involving
25 Coach2Grow 2.0, correct?

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1 A. That -- that is correct.

2 Q. And you thought that was inappropriate,
3 right?

4 A. Yes.

5 Q. All right. And then --

6 A. The -- the conversation discussing 4G
7 Dental and her joint call with Jennifer Garcia and
8 asking for accountability of why she did not
9 identify, one, she was going on a joint call in
10 someone else's district, and instead of her
11 acknowledging and holding not only the account
12 manager and the district sales manager up to the
13 sales compensation standard, which aligns the ZIP
14 code to a customer, a customer to a district sales
15 manager, and the customers into the hierarchy, she
16 denied any understanding that she was in another
17 district, and that's not acceptable.

18 We are accountable for our actions, and
19 one is supposed to hold everybody accountable. She
20 is supposed to hold the managers accountable and
21 she's supposed to hold the account managers
22 accountable as well if the manager isn't doing their
23 job.

24 So when those details were brought to her
25 attention, I expected for her to do the right thing

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1 instead of allowing my white peer to continue to
2 receive compensation until I filed the segmentation
3 to properly align the account.

4 Q. Okay. Any other emails that would be
5 responsive to my question?

6 A. Not at this time. We have discussed the
7 other ones already.

8 (Exhibit 6 marked.)

9 Q. Okay. I have handed you what has been
10 marked as Exhibit 6. It's got an ESI Bates
11 Number 0143648, and the second page of the exhibit
12 is ESI Number 0014680. I want to look at the first
13 document, please.

14 Do you recall asking Ms. Lamb for more --
15 more additional leadership responsibilities in May
16 of 2018?

17 A. Yes.

18 Q. Who is Brad that you're referencing in
19 this meeting? He's the LPSP Ambassador?

20 A. Brad Lambert, he was on our team but
21 transitioned to Atlanta.

22 Q. Do you recall asking Ms. Lamb if you could
23 text her as a form of communication, and Ms. Lamb
24 responded that you needed to speak on the telephone?

25 A. I don't recall that.

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1 Q. Okay. Do you recall having a discussion
2 about Tom Seagraves?

3 A. Yes. We had several conversations about
4 Tom Seagraves.

5 Q. Do you recall Ms. Lamb telling you that
6 she would have advised giving Mr. Seagraves a
7 letter of counseling had she been in the loop and
8 knew what you were doing?

9 A. She was in the loop because she was
10 notified when I gave him the documented discussion
11 which identified the performance issues that Tom
12 Seagraves had.

13 Q. Do you recall Ms. Lamb discussing with you
14 that she thought maybe Mr. Seagraves should have
15 gotten a letter of counseling?

16 A. Yes, and he did.

17 Q. He eventually got a letter of counseling,
18 correct?

19 A. Correct, letter of warning and terminated.

20 Q. Do you recall Ms. Lamb telling you that
21 you needed to have three distinct activities with
22 your account executives; those being joint calls,
23 one-on-ones, and pipeline reviews?

24 A. Yes.

25 Q. Do you recall informing Ms. Lamb during

1 this May 21, 2018, meeting that you wanted to do all
2 three of those activities under your joint rides
3 with your AEs?

4 A. I don't recall that, but I also held
5 one-on-ones on my calendar as well.

6 Q. Do you recall that members on your team,
7 some of your account executives complaining that
8 your coaching of them took place at the end of the
9 day and spilled over into the evening?

10 A. Yes, one.

11 Q. And who was the one?

12 A. Lynne Hennessey.

13 Q. Okay. So you remember only one AE
14 complaining about that. Is that fair?

15 A. Yes, one of the eight.

16 Q. And then the second page of this Exhibit 6
17 is the calendar invite for this meeting, correct?

18 A. Yes.

19 Q. All right. And would Ms. Lamb often tell
20 you some of the topics you-all were to discuss
21 during your one-on-ones?

22 A. Yes.

23 Q. Okay. Did you find that helpful?

24 A. Not all the time because during the
25 meetings, we did not always follow the agenda of the

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1 calendar invite.

2 Q. Okay. Going back to the first page of
3 Exhibit 6, the last sentence, it says, quote, Ended
4 by telling her that I'm proud of her because I have
5 seen growth this year. She is now more vocal in
6 meeting settings and on calls. She needs to do
7 more, but I have seen improvement, and I'm glad to
8 see her building peer relationships.

9 Did I read that right?

10 A. Yes.

11 Q. Do you recall Ms. Lamb having this
12 discussion with you during that meeting?

13 A. Yes.

14 (Exhibit 7 marked.)

15 THE WITNESS: Thank you.

16 Q. You have been handed what has been marked
17 Exhibit 7, which is Bates ESI 0143649. This again
18 is some meeting notes of Ms. Lamb about a one-on-one
19 she had with you in June of 2018.

20 Have you ever seen this document before?

21 A. No.

22 Q. Okay. I'm going to ask you a few
23 questions about it.

24 What's GGR?

25 A. Global Gold Rush.

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1 Q. And what's an activation report and a
2 non-activation report?

3 A. It directly relates to closed business
4 tracking. The activation shows and confirms the
5 potential that was listed in the opportunity and the
6 non-activation shows that it was not activated.

7 Q. Do you recall in June of 2018 that those
8 reports reflected no activity for your district?

9 A. I do not recall.

10 Q. Do you -- do you have any reason to
11 dispute Ms. Lamb's note?

12 A. Yes, because in my complaint, it
13 demonstrates that the FedEx One Rate and Global Gold
14 Rush reporting that she utilized was inaccurate. I
15 demonstrated several examples. There were details
16 from 2014, 2016, and 2017 where neither of us were
17 in the position.

18 So the accuracy of her saying that there
19 was no activity is inconsistent because who knows if
20 she pulled a correct report or not.

21 Q. Okay. Do you recall discussing the
22 Empower customer?

23 A. Yes.

24 Q. Do you see Ms. Lamb's note, it says,
25 quote, Customer committed to stay with FedEx if we

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1 make a slight alteration to pricing, which we did.

2 Per Jennifer, Empower is now safe and no longer at
3 risk.

4 Do you recall having that discussion with
5 her?

6 A. We had several discussions on Empower. I
7 don't recall this specific note.

8 Q. Do you recall ever having a discussion
9 with Ms. Lamb where you informed her that you
10 thought the account was safe and no longer at risk
11 because of a pricing adjustment?

12 A. Yes.

13 Q. Okay. What's My FedEx Rewards?

14 A. It's a rewards program, similar to how
15 someone earns rewards on a credit card, a customer
16 can earn awards on their FedEx shipping activity.

17 Q. Okay. And Ms. Lamb assigned you that
18 responsibility for FY19, right?

19 A. Yes. And it was removed shortly after
20 that and given to Casey Millner.

21 Q. When was it removed?

22 A. I don't recall the specific date but
23 around the letter of counseling.

24 Q. Okay. So the letter of counseling was in
25 June of calendar year 2019, correct?

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